

**REMARKS**

By this amendment, claims 1-21, 50, and 51 are pending, in which claims 22-49 are canceled without prejudice or disclaimer, claims 5, 6, 16, and 17 are currently amended, and claims 50 and 51 are newly presented. No new matter is introduced.

The Office Action mailed February 22, 2008 rejected claims 1, 4, 9, 11-12, and 15 as obvious under 35 U.S.C. § 103 based on *Christodoulides et al.* (US 6,665,361) in view of *Raleigh et al.* (US 6,158,041), claims 2, 10, 13, and 21 as obvious under 35 U.S.C. § 103 based on *Christodoulides et al.* in view of *Raleigh et al.* and in further view of *Paulter et al.* (US 6,859,503), claims 3 and 14 as obvious under 35 U.S.C. § 103 based on *Christodoulides et al.* in view of *Raleigh et al.* and in further view of *Mogre et al.* (US 2004/0047433), claims 7 and 18 as obvious under 35 U.S.C. § 103 based on *Christodoulides et al.* in view of *Raleigh et al.* and in further view of *Kim et al.* (US 6,851,085), and claims 8 and 9 as obvious under 35 U.S.C. § 103 based on *Christodoulides et al.* in view of *Raleigh et al.* and in further view of *Love et al.* (US 7,158,482).

Applicants appreciate the indication that claims 5, 6, 16, and 17 would be allowable if rewritten in independent form. Applicants have amended these claims accordingly.

To further advance prosecution, withdrawn claims 22-49 have been canceled.

Regarding the several obviousness rejections, Applicants respectfully traverse, as the applied art fails to disclose all features of the claims.

Independent claim 1 recites “mapping a **codeword specifying framing information** of a frame according to a signal constellation to output a data stream.” Independent claim 12 includes the features of “a constellation mapper configured to map a **codeword specifying framing information** of a frame according to a signal constellation to output a data stream.”

To meet the above features, the Office Action (on page 6, item 9), refers to *Christodoulides et al.*, FIG. 5, col. 5, lines 43-48 and 56-58 (Emphasis Added):

[lines 43-48] Each frame F carries a header containing a **unique word (UW)**, comprising a predetermined sequence of 40 symbols, to assist in acquiring the signal and determining the signal type. The unique word symbols comprise only two bits, mapped onto the most protected bits  $u_1$ ,  $U_3$  of the 16 QAM constellation.

[lines 56-58] The unique word comprises a data **unique word  $UW_D$**  which indicates that the body of the frame F contains user data.

As evident from the above passages, the description pertains to a unique word (UW), not a codeword. There is no mention of a desire or capability to encode the UW. In fact, encoding of the UW may negatively affect synchronization, and introduce unnecessary processing.


Additionally, the other secondary references, *Raleigh et al.*, *Paulter et al.*, *Mogre et al.*, *Kim et al.* and *Love et al.*, fail to cure the deficiencies of *Christodoulides et al.* Therefore, no *prima facie* case of obviousness has been established.

With respect to newly presented claims 50 and 51, which recite "wherein the data stream includes a unique word to assist with synchronization." These claims depend correspondingly to independent claim 1 and 12, and thus, are allowable for the reasons proffered above.

Therefore, the present application, as amended, overcomes the rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (310) 964-0560 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 C.F.R. §1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-0383 and please credit any excess fees to such deposit account.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Todd N. Snyder", is written over a horizontal line.

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